

Issues,  
Problems,  
Recommended Solutions

# Enforcement of Underage Impaired-Driving Laws



U.S. Department of Transportation

**National Highway Traffic Safety  
Administration**



Thank You . 

## Departments visited during this study

*Arapahoe* County Sheriffs Department, Colorado . *Arvada* Police ~~Department~~, Colorado . *Aspen* Police Department, Colorado . *Atlanta* Police ~~Department~~, Georgia . *Aurora* Police Department, Colorado . *Boston* Metropolitan Police Department, Massachusetts . *Boulder* County Sheriffs Department, Colorado . *California* Highway Patrol . *California* State University, *Chico* Police Department @ *Cedar Rapids* Police Department, Iowa . *Charles City* Police Department, Iowa . *Chico* Police ~~Department~~, California . *Clackamas* County Sheriff's ~~Department~~, Oregon . *Colorado Springs* Police Department, Colorado . *Columbia* Police Department, Missouri . *Columbia* County Sheriff's Department, Oregon @ *Denver* Police Department, Colorado . *El Paso* County Sheriff's Department, Colorado @ *Floyd* County Sheriff's Department, Iowa . *Georgia* State Patrol . *Iowa* State Patrol . *Kansas City* Police ~~Department~~, Missouri . *Lafayette* Police Department, Louisiana @ *Linn* County Sheriffs Department, Iowa . *Louisiana* State Police . *Macon* Police Department, Georgia . *Massachusetts* State Police . *Missouri* State Highway Patrol . *Multnomah* County Sheriff's Department, Oregon . *New Castle* County Police Department, Delaware . *New Orleans* Police Department, Louisiana . *Oregon* ~~Department~~ of State Police . *Phoenix* Police Department, Arizona • *Pitkin* County Sheriff's Department, Colorado @ *Portland* Police Department, Oregon . *Pueblo* Police ~~Department~~, Colorado . *Rock* County Sheriffs Department, Wisconsin . *Roseville* Police Department, California . *St. Helens* Police ~~Department~~, Oregon . *Salem* Police Department, Oregon . *San Diego* Police ~~Department~~, California . *Santa Ana* Police Department, California . *Spaulding* County Sheriff's ~~Department~~, Georgia . *Springfield* Police Department, Massachusetts . *Tangipahoe* Parish Sheriff's Department, Louisiana . *Woodland Park* Police Department, Colorado .

Thank You . 

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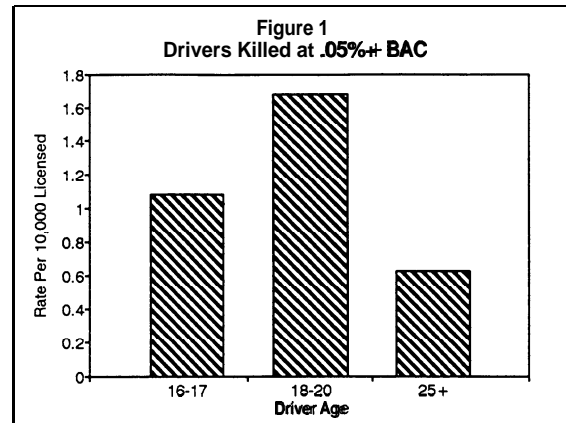
*Arapahoe* County Sheriffs Department, Colorado . *Arvada* Police ~~Department~~, Colorado . *Aspen* Police Department, Colorado . *Atlanta* Police ~~Department~~, Georgia . *Aurora* Police Department, Colorado . *Boston* Metropolitan Police Department, Massachusetts . *Boulder* County Sheriffs Department, Colorado . *California* Highway Patrol . *California* State University, *Chico* Police Department . *Cedar Rapids* Police Department, Iowa . *Charles City* Police Department, Iowa . *Chico* Police ~~Department~~, California . *Clackamas* County Sheriff's ~~Department~~, Oregon . *Colorado Springs* Police Department, Colorado . *Columbia* Police Department, Missouri . *Columbia* County Sheriff's Department, Oregon . *Denver* Police Department, Colorado . *El Paso* County Sheriff's Department, Colorado . *Floyd* County Sheriff's Department, Iowa . *Georgia* State Patrol . *Iowa* State Patrol . *Kansas City* Police ~~Department~~, Missouri . *Lafayette* Police Department, Louisiana . *Linn* County Sheriffs Department, Iowa . *Louisiana* State Police . *Macon* Police Department, Georgia . *Massachusetts* State Police . *Missouri* State Highway Patrol . *Multnomah* County Sheriff's Department, Oregon . *New Castle* County Police Department, Delaware . *New Orleans* Police Department, Louisiana . *Oregon* ~~Department~~ of State Police . *Phoenix* Police Department, Arizona . *Pitkin* County Sheriff's Department, Colorado . *Portland* Police Department, Oregon . *Pueblo* Police ~~Department~~, Colorado . *Rock* County Sheriffs Department, Wisconsin . *Roseville* Police Department, California . *St. Helens* Police ~~Department~~, Oregon . *Salem* Police Department, Oregon . *San Diego* Police ~~Department~~, California . *Santa Ana* Police Department, California . *Spaulding* County Sheriff's ~~Department~~, Georgia . *Springfield* Police Department, Massachusetts . *Tangipahoe* Parish Sheriff's Department, Louisiana . *Woodland Park* Police Department, Colorado .

## Underage Drinking

Many states lowered their minimum legal drinking age to **18** during the **1970s**. By the early **1980's**, it was clear that lower drinking ages went hand-in-hand with more youth alcohol-related crashes' and states began to return to a minimum drinking age of **21**.

The U.S. experienced a substantial decline in youth alcohol crashes' as the **"21"** drinking laws were being adopted. Most of this decline was seen from **1980** to **1985**.

Recent data indicate that the problem, though less severe than in the early **1980s**, has remained at high levels<sup>3</sup>. Among high school age drivers (**16** to **17** years old) the alcohol fatality rate is nearly twice as high as for drivers **25** and older. The rate for **18-20 year-olds** is nearly three times as high (average rates **1985-89**, Figure 1).



This same crash rate pattern may be seen in every region of the country. That is, **18-20 year-olds** have higher alcohol fatality rates than **16-17 year-olds** and both groups have higher rates than drivers **25** and older (Figure 2).

One of the problems is that underage persons can readily purchase packaged beer, the beverage of choice for this age group. In a recent study, **19** and **20 year-olds** bought beer on **97** of **100** purchase attempts in Washington, DC and **82** of **103** purchase attempts in Westchester County, NY<sup>4</sup>.

Nationally, nearly two out of three high school seniors report consuming alcohol within the past month and one in three report five or more drinks within the past two weeks?

Figure 2  
Drivers Killed at .05%+ BAC Per 10,000 Licensed

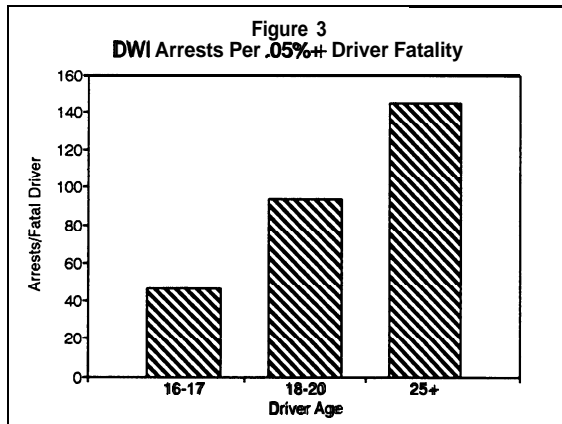
REGION		Driver Age		
		16-17	18-20	25+
I	New England	1.04	1.46	0.40
II	NJ and NY	0.69	0.93	0.31
III	Mid Atlantic	1.01	1.55	0.55
IV	Southeast	1.35	2.05	0.85
V	Upper Midwest	0.85	1.65	0.60
VI	Southwest	1.60	2.15	0.87
VII	Midwest	1.29	2.12	0.70
VIII	Mountain	0.85	1.51	0.66
IX	West	0.85	1.46	0.61
X	Northwest	0.94	1.76	0.61
	U.S.	1.08	1.68	0.63

contiguous states excluding DE, FL and MS

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## DWI Enforcement

Enforcement of the drinking and driving laws is accomplished by municipal, county and state police agencies. Collectively, these agencies provide approximately **1.7 million DWI arrests** annually!



Arguably, these **DWI** arrests should be distributed by driver age following approximately the same pattern in which the drinking driving problem occurs. That is: a high arrest rate for **18-20 year-olds**; somewhat lower for **16-17 year-olds**; substantially lower for drivers ages **25** and older.

Actual arrest rates by driver age show a very different pattern! Nationally, young drivers are being arrested for **DWI** at rates which are far below their incidence in alcohol-related crashes (Figure 3).

Arrest rates are lowest for **16** and **17 year-olds** followed by **18-20 year-olds** in every region of the country (Figure 4).

**Figure 4**  
**DWI Arrests Per Drivers Killed at .05%+ BAC**

REGION		Driver Age		
		16-17	18-20	25+
I	New England	48.8	90.2	175.6
II	NJ and NY	57.1	113.9	196.3
III	Mid Atlantic	33.6	76.5	127.0
IV	Southeast	30.0	61.8	95.5
V	Upper Midwest	49.4	77.8	116.1
VI	Southwest	30.7	69.9	96.3
VII	Midwest	39.5	76.6	115.7
VIII	Mountain	77.5	129.9	173.0
IX	West	86.6	180.9	246.6
X	Northwest	61.1	105.4	194.4
	U.S.	46.7	93.6	144.9

contiguous states excluding DE, FL and MS

Arrest rate trends are not encouraging. The number of youth **DWI** arrests in **1989** was **44%** lower than in **1980**; **18%** lower than **1985**. Yet, young people continue to drink and drive and become involved in **alcohol**-related crashes.

Clearly, there must be systematic reasons or "obstacles" that explain low youth **DWI** arrest rates which are continuing to decline. Moreover, any identified obstacles would have to be specific to youth. Budget cutbacks and the complexities of **DWI** processing should affect **DWI** enforcement for drivers of any age.

## Obstacles to Youth DWI Enforcement

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Young drivers are not being arrested for **DWI** at rates which are anywhere near their incidence in the alcohol crash population. Police, prosecutors and others identified some of the major reasons.

**Place.** Underage drinking is illegal. Thus, it is less likely to occur at bars, restaurants and other traditional drinking places. Rather, young drinking drivers are at the parks, beaches and in the neighborhoods. Parks, beaches and neighborhoods are not the primary patrol areas for "traffic, highway and/or **DWI**" officers. More often, such areas are covered by "regular" patrol officers who have traffic as only one part of their overall responsibility. Because there are many other demands for police services, they may be neither trained nor encouraged to conduct **DWI** enforcement.

***"Youth do not follow the norm"***

***"Youth drink at house parties  
and have kegs at the beach"***

***"Drinking occurs at remote  
locations, away from normal  
enforcement"***

**Time.** Young drivers, even more than older drivers, do most of their drinking and driving on weekends. The peak time period is from about **10** pm to **1** or **2** am on Friday and Saturday. These Friday and Saturday night time periods also represent peak demand periods for other types of police services. Regular patrols in particular may have limited resources for **DWI** enforcement during these peak periods. Young impaired drivers can also congregate in large numbers at Friday and Saturday concerts, sporting events and keg parties. Such large concentrations can further overwhelm available resources.

***"Youth are not out there during  
the week"***

***"Youth drinking and driving occurs  
between 10 pm and 1 am on  
weekends"***

***"Department gets very few DWI  
arrests on football days"***

***"Cues different for youth, more speed and hard weaves"***

***"Youth are much more aggressive, erratic and impulsive"***

***"Drunk or sober, youth drive differently"***

**Driving Cues.** Officers are trained in the established or traditional **DWI** detection cues. These cues focus on psychomotor impairment seen as the inability to control the motion of the vehicle in the traffic lane. For youth, cognitive impairment may be the more operative concept. Alcohol or some other drug may cause them to lose good judgment and behave without regard to the inherent risks in speeding, hard weaves and erratic lane changes. Youth **DWI** cues are not as well understood as the traditional cues and this may effect youth **DWI** detection, imposition of implied consent statutes on youth and enforcement of the lower youth **BAC** laws which now exist in twelve states.

***"Youth under .10 are sent home, we need to try drug tests"***

***"Young driver BACs from .08 to .12 kill people, not higher or lower"***

***"A lower BAC limit for youth would help"***

**Low BAC Prosecution.** Young drivers have more crashes with less alcohol than older drivers. They can exhibit obvious signs of impairment at **BAC** levels below those where similar effects may be seen in "experienced" drinkers. **DWI** prosecutions for drivers with **BACs** at or below the legal limit are problematical. Some jurisdictions decline prosecution unless the **BAC** is above the "presumptive" limit (typically **.10%**). While drivers of any age may test at or below the limit, **"low" BAC** is a common characteristic for youth.



## Effective Enforcement Strategies

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Nationally, youth **DWI** arrest rates are low. Nevertheless, some agencies are achieving arrest rates well above the national average.

Colorado has the highest **DWI** arrest rate in the country for **16-17 year-olds**; second highest for **18-20 year-olds**. California has the highest arrest rate for **18-20 year-olds**; second highest for **16-17 year-olds** (FBI, 1989). Visits to law enforcement agencies in these two states suggest a group of essential characteristics associated with successful high youth **DWI** arrest rates.

- ☒ Command emphasis for proactive **traffic/DWI** enforcement
- ☒ Officers are commended for a **DWI** arrest
- ☒ Arrests at and below the presumptive limit are made and prosecuted
- ☒ Regular patrols **"handoff"** suspects to **DWI** specialists (limiting the regular patrol processing burden)
- ☒ Police are involved in community alcohol/drug prevention
- ☒ Community provides positive support for **DWI** enforcement
- ☒ Training/training/training (**DWI** detection, Gaze Nystagmus, **DWI** processing)

These characteristics describe Departments focused on **DWI** enforcement. They are not targeting youth, per se, but rather have taken a strong, proactive approach for all impaired drivers regardless of age.

Strong, proactive **DWI** enforcement will result in youth **DWI** arrests particularly when implemented at the local level with active involvement from the "regular" patrols and "precinct" officers. These officers are most likely to encounter a youthful impaired driver. They are also the officers most in need of backup from **DWI** specialists given the many other demands for **police** services. Backup is particularly important on Friday and Saturday nights when youthful **impaired** drivers are most likely and demands for other police services are highest.

Youth **DWI** enforcement begins with community support and a commitment from police command. This commitment is implemented through training and backup. Continual training to upgrade **DWI** enforcement skills conveys the message that **DWI** enforcement is both expected and encouraged. Backup from **DWI** specialists can allow regular officers to intervene in an impaired driving situation and, often, return to their patrol in thirty minutes or less.

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## Special Youth Strategies

**DWI** enforcement for youth begins with an effective enforcement strategy for impaired drivers of all ages. Next, there is a need for an effective strategy to deal with two important youth characteristics: underage drinkers tend to congregate in large numbers; underage drinking is illegal.

Often, a single patrol unit is sent to respond to a complaint of a loud party involving underage drinking. This single unit may not be sufficient to secure the location much less conduct active enforcement for all drug and alcohol violations. If the location is not secured, underage drinkers will scatter, often onto the highway. Young people have a strong desire to scatter since, for them, alcohol possession and/or consumption is illegal. Similarly, at concerts or sporting events attracting young people, the regular units may have barely enough resources for traffic control let alone active enforcement for drug and alcohol violations.

Several Departments have developed special strategies to deal with large numbers of impaired youth at one place at one time. Each of these special strategies provides the resources for both containment and active enforcement.

<b>Teenage Alcohol Patrol</b> (New Castle County, Delaware)	
<b>Problem</b>	A single police unit would respond to a complaint of a loud party. Underage drinkers would scatter onto the highway.
<b>Strategy</b>	Special <b>10</b> pm to 2 am patrols were assigned Tuesday through Thursday; double patrols were assigned Friday and Saturday. Regular officers would “hand off” complaints of loud parties to these special units. Regular and <b>DWI</b> officers would assist in area containment.
<b>How To</b>	Officers assigned to the special units need to be trained in the full range of law applicable to juveniles. Knowledge of non-alcohol violations can be extremely helpful in gaining entry and holding juveniles until parents can be notified. Positive ID needs to be established for each juvenile issued a summons and released to a parent or guardian (e.g., portable fingerprinting). It is important to work closely with prosecutors and juvenile authorities to streamline paperwork for “minor in possession” and related violations. Also, the adjudication system needs time to prepare for an increased caseload and increased demands for court ordered “alcohol assessment” and rehabilitation. Lastly, for this and similar programs, the community must “sign <b>on</b> ” to underage drinking enforcement.

## Special Youth Strategies

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### **BRATT Patrol** (Clackamas County, Oregon)

- Problem** Teenagers, including high school students, were being killed in alcohol-related crashes. The Sheriff's Department decided to "break the cycle of youthful offenders growing into adult offenders . . . or traffic statistics."
- Strategy** The Department established a "strict enforcement" policy with regard to underage drinking. Media and high school presentations were used to alert the community. A sergeant, two deputies plus reserves were assigned to the **BRATT** Patrol (Ban Reoccurring Alcohol Teenage Tragedies). The Patrol seeks out keg parties and other concentrations of underage drinkers. Parties are contained; drug and alcohol violations are strictly enforced.
- How to** Strict enforcement must be associated with real and standardized consequences. This requires active coordination with the courts, prosecutor and juvenile authorities. In **Clackamas**, it also required establishing special programs to handle the 1,000% increase in convictions for minor in possession.

### **High School Graduation Program** (Phoenix, Arizona)

- Problem** Alcohol education programs in the high schools had not eliminated underage drinking parties. Precinct officers, by themselves, did not have the resources to handle these parties during the high school graduation season.
- Strategy** Traffic units decided to deal with underage drinkers before they left the graduation party rather than as highway statistics after the party. Special traffic squads, coordinated with the precincts, were assigned to work with the precinct officers as they responded to complaints of loud parties. The squads secured the roadways leading to and from the party location to ensure that no impaired drivers entered or left the location. Then, they worked with the precinct officers to enforce all alcohol and drug laws.
- How to** Information about the program was distributed through the media plus **MADD**, **SADD** and the high schools. Parks officers, who enforce minor in consumption and related laws on a daily basis, briefed the traffic units. Arrest paperwork was streamlined with the help of the prosecutor's office.

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## Assessment of Your DWI Enforcement

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Some Departments may want to examine their own **DWI** efforts. The following guidelines may be helpful. However, there are no hard and fast rules, no two Departments are the same and no two Departments have the same operating environment.

### **Stats**

About one percent of all licensed drivers are arrested for **DWI** each year (includes state, county and local Departments). Two percent is indicative of strong enforcement; substantially less than one percent indicates a problem.

Often, **20** percent or less of all **DWI** arrests come from crash situations. More than **20** percent indicates that the Department is “reactive” to **DWI** rather than “proactive.”

Average **BACs** below **.15%** for all “pickup” arrests are indicative of strong enforcement. Average **BACs** above **.18%** indicate that enforcement efforts are dealing with only a segment of the impaired driving population.

About **14** percent of all fatally injured **.10%+ BAC** drivers are below the age of **21**. Arguably, **14** percent of the arrest population should also be below the age of **21**.

### **Operations**

Command emphasis for proactive **DWI** enforcement and officer commendation for **DWI** arrests both indicate strong enforcement.

Broad community support for alcohol enforcement and police involvement in alcohol/drug prevention are both common in strong enforcement Departments.

Continual training in **DWI** detection, field sobriety testing (including horizontal gaze **nystagmus**) and **DWI** processing is required for strong enforcement.

Also, there are two operating characteristics critical to strong youth enforcement:

- Active involvement of the “regular” or precinct patrols
- Arrests made and prosecuted at and below the presumptive limit

### **Youth Strategies**

Each agency should have an effective strategy for containing and providing active enforcement for large concentrations of youth at one place at one time.

This containment/enforcement strategy requires community support for strict enforcement of “zero tolerance” for youth drug/alcohol violations.

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## What Can Be Done

The **Stats** can provide an indication as to how your Department is doing relative to national averages. However, national averages may or may not be appropriate for your operating environment. Agencies patrolling the interstates will see a different mix of drivers than agencies patrolling city streets. Agencies with large university populations will get a different mix of drivers than agencies without a university,

Department **Operations** are more important than statistics when assessing your own **DWI** enforcement. Command emphasis and training backed by community support are critical to strong **DWI** enforcement. Strong overall enforcement is the basis for strong youth enforcement particularly when it includes the active involvement of the regular patrols as well as arrest and prosecution for drivers testing at and below the presumptive limit.

Agencies also need a **Youth Strategy** for dealing with large concentrations of underage drinkers at one place at one time. Dispatching one patrol unit to the site of a large keg party may do no more than scatter underage drinkers onto the highway.

You may decide to implement changes in **DWI** operations, training, procedures or policy. Operating changes can likely be accomplished inside your Department. Policy change will likely require the full support of the community including parents, schools, and the judicial system.

More information on this study is contained in

Preusser, D.F., Ulmer, R.G. and Preusser, C.W., Obstacles to *Enforcement of Youthful (Under 21) Impaired Driving*  
Final Report to the National Highway Traffic Safety Administration under Contract DTNH22-91-C-05020

1. Williams, A.F., Rich, R.F., Zador, P.L. and Robertson, L.S. The legal minimum drinking age and fatal motor vehicle crashes. Journal of Legal Studies, 1975, 4, 219-239.
2. Williams, A.F., Zador, P.L., Harris, S. and Karpf, R. The effects of raising the minimum drinking age on involvement in fatal crashes. Journal of Legal Studies, 1983, 12, 169-179.
3. National Highway Traffic Safety Administration. Fatal Accident Reporting System 1989. U.S. Department of Transportation, Washington, DC., 1991.
4. Preusser, D.F. and Williams, A.F. Sales of Alcohol to Underage Purchasers in Three New York Counties and Washington, D.C. Insurance Institute for Highway Safety, Arlington, VA, March, 1991.
5. Johnston, L.D., O'Malley, P.M. and Bachman, J.G. Drug Use, Drinking, and Smoking: National Survey Results from High School, College, and Young Adults Populations. National Institute on Drug Abuse, Rockville, MD, 1989.
6. Federal Bureau of Investigation. 1989 Crime in the United States. U.S. Department of Justice, Uniform Crime Reports, Washington, D.C., August 5, 1990.